

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-44 are pending in the application, with 1, 21, 34, 35, and 36 being the independent claims. Claims 1, 21, 34, and 35 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejection under 35 U.S.C. § 112***

The Examiner has rejected independent claim 36 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse.

In the Response to Final Office Action filed September 14, 2006 (“Sept. 2006 Response”), Applicants traversed a rejection of claim 36 under 35 U.S.C. § 112, first paragraph under similar grounds as the present rejection. In an Advisory Action of October 10, 2006 (“Oct. 2006 Advisory Action”), the Examiner found the arguments of the Sept. 2006 Response regarding the rejection of claim 36 under 35 U.S.C. § 112, first paragraph, persuasive. (Oct. 2006 Advisory Action, p. 2). Accordingly, Applicants resubmit the arguments of the Sept. 2006 Response on pp. 14-15 addressing the 35 U.S.C. § 112 rejection in response to the present rejection, and ask that the Examiner withdraw the rejection and allow independent claim 36.

***Rejections under 35 U.S.C. § 103***

**Claims 1-35**

The Examiner has rejected claims 1-35 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 6,339,423 to Samson et al. (“Samson”) in view of U.S. Patent No. 5,502,766 to Boebert et al. (“Boebert”), and further in view of European Patent Application No. EP 0 672 991 A2 to Narasimhalu et al. (“Narasimhalu”). For the reasons set forth below, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness of claims 1-35 based on the combination of Samson, Boebert, and Narasimhalu.

Independent claims 1, 21, 34, and 35 each recite, *e.g.*, the step of “upon successful authentication ... retrieving at the first server machine a user key permitting access to an encrypted header of the secured item, the encrypted header including access rules for the secured item.”

The Examiner concedes Samson does not teach or suggest this above-recited feature, but then refers to the Narasimhalu reference as allegedly teaching the placement of access information in a header and encrypting the header. (Office Action, p. 6). The Examiner indicates that this is found at page 5 in this text:

Once the Information consumer 30 agrees with the Information Provider 10 on the terms of the distribution contract, Information Provider 10 executes a procedure as outlined in FIG. 4 beginning with step 60 to produce a distribution medium Incorporating the sealed COIN. In step 62 TAL number of keys,  $K_1$  to  $K_{TAL}$ , are generated for encrypting COIN in the body 40. Although PKC is referred in the embodiment of the present invention, any method of encryption is applicable. Next, a medium signature 36 is created from the particular distribution medium on which COIN is to be distributed. Pending U.S. application serial No. 08/120,969, filed 13 September,

1993, and assigned to the same assignee as the present invention exemplifies one of many ways of generating a medium signature. In step 66, COIN is encrypted with  $K_1$ . It follows that the body 40 of the sealed COIN is generated. In step 68, the header 35 is prepared next. Initially the value LAL 39 is set to be identical with that of TAL 38. By concatenating AW 37, TAL 38, LAL 39,  $K_1$  to  $K_{TAL}$  41, and medium signature 36 as illustrated in FIG. 2, the header 35 is then encrypted in step 68 using the public key DPK of the Information consumer's access device. The encrypted header 35 and the encrypted body 40 constitutes the sealed COIN and is written onto the distributed medium in step 70.

However, Applicants disagree that this portion, or any other portion, of Narasimhalu teaches or suggests the retrieval of a user key to decrypt a header containing access rules at a server machine, as recited in claim 1, 21, 34, and 35. Instead, Narasimhalu is directed to a preferably "tamper-proof" access device, which has a controller for accessing sealed information using a basic decryption process and determining if there are any legal accesses left based on a number of times the sealed information has been accessed. (Narasimhalu, p. 6, ll. 9-29), not one teaching or suggesting "upon successful authentication ... retrieving at the first server machine a user key permitting access to an encrypted header of the secured item, the encrypted header including access rules for the secured item," as recited in claims 1, 21, 34, and 35.

The Examiner states at page 5 of the Office Action that in Col. 4, lines 26-35 Boebert allegedly teaches or suggests, which interpretation Applicants do not acquiesce to, a system for providing secure transfer and sharing of data via a LAN comprising an identification and authentication process for the user and a client machine. Thus, Boebert is not used to teach or suggest the above-recited feature of claims 1, 21, 34, and 35, nor does Boebert teach or suggest the above-recited feature of claims 1, 21, 34, and 35.

Therefore, Samson, Boebert, and Narasimhalu cannot be used to establish a *prima facie* case of obviousness for claims 1, 21, 34, and 35.

For at least these reasons, independent claims 1, 21, 34, and 35 are not rendered obvious by the combination of Samson, Boebert, and Narasimhalu. Claims 2-20 and 22-33 depend from claims 1 and 21, respectively, and are therefore not rendered obvious by the combination of Samson, Boebert, and Narasimhalu for at least the aforementioned reasons for independent claim 36, and further in view of their own respective features

**Claim 36**

The Examiner has rejected claim 36 under 35 U.S.C. § 103(a) as being allegedly obvious over Stallings (Cryptography and Network Security) in view of Narasimhalu. For the reasons set forth below, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness of claim 36 based on the combination of Stallings and Narasimhalu.

Claim 36 recites, in part, that “based on information stored in an encrypted header of a secure item, a given requestor ... can only access the secure item through at most one of said local servers at a time.”

The Examiner states at page 4 of the Office Action that at page 336 the Stallings reference teaches, through the use of “session keys,” accessing a secured item through at most one local server at a time. However, the Examiner concedes Stallings does not teach or suggest permitting access based on information stored in an encrypted header of a secure item, but rather refers to Narasimhalu as allegedly teaching the use of a secret key to encrypt a secure item, and then storing the secret key in an encrypted header, which is then used to permit access. (Office Action, p. 4). However, even assuming,

*arguendo*, that the Examiner's statements of Narasimhalu and Stallings are correct, there is no teaching or suggestion of providing access to a secure item through a local server **based on the information** stored in an encrypted header of the secure item, as recited in claim 36. To the extent Narasimhalu permits access to a secure item based on information in a header, it does not control access through a particular one of a set of local servers. Further, neither Narasimhalu nor Stallings teach or suggest the transmission of, for example, the secret key of Narasimhalu to a local server in order to grant access to a secure item, nor any functionally similar behavior, as recited in claim 36.

For at least these reasons, independent claim 36 is not rendered obvious by the combination of Stallings and Narasimhalu, and Applicants respectfully traverse the rejection.

**Claims 37-42**

The Examiner has rejected claims 37-42 under 35 U.S.C. § 103(a) as being allegedly obvious over Stallings in view of Narasimhalu, and further in view of U.S. Patent No. 6,317,777 to Skarbo et al. ("Skarbo"). Applicants respectfully traverse this rejection.

As noted above with regard to independent claim 36, the combination of Stallings and Narasimhalu do not teach or suggest that "based on information stored in an encrypted header of a secure item, a given requestor ... can only access the secure item through at most one of said local servers at a time" as recited. Skarbo is used to allegedly teach an access control system coupled to an enterprise network to restrict access to secured files stored therein. Even assuming this interpretation is correct, which

Applicants do not acquiesce to, Skarbo is not used to teach or suggest the above-recited feature of claim 36, and therefore Skarbo does not cure the deficiencies of the other applied references. For at least these reasons, independent claim 36 is not rendered obvious by the combination of Stallings, Narasimhalu, and Skarbo.

Claims 37-42 depend from claim 36 and are therefore not rendered obvious by the combination of Stallings, Narasimhalu, and Skarbo for at least the aforementioned reasons for independent claim 36, and further in view of their own respective features.

**Claims 43 and 44**

The Examiner has rejected claims 43 and 44 under 35 U.S.C. § 103(a) as being allegedly obvious over Stallings in view of Narasimhalu and Boebert (Applicants assume the Examiner meant to indicate Skarbo) as applied to claim 37, and further in view of U.S. Patent No. 6,449,721 to Pensak (“Pensak”). Applicants respectfully traverse this rejection.

As noted above with regard to independent claims 36 and 37, the combination of Stallings, Narasimhalu, and Skarbo do not teach or suggest that “based on information stored in an encrypted header of a secure item, a given requestor ... can only access the secure item through at most one of said local servers at a time” as recited. Pensak is used to allegedly teach secured files are secured by encryption. However, Pensak is not used to teach or suggest the above-recited feature of claim 36, this Pensak does not cure the deficiencies of the other applied references. Therefore, for at least these reasons, independent claim 36 is not rendered obvious by the combination of Stallings, Narasimhalu, Skarbo, and Pensak.

Claims 43 and 44 depend from claim 36 and are therefore not rendered obvious by the combination of Stallings, Narasimhalu, Skarbo, and Pensak for at least the aforementioned reasons for independent claim 36, and further in view of their own respective features.

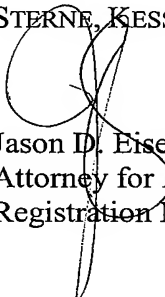
### ***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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